

780 KAR 3:110. Disciplinary actions.

RELATES TO: KRS 151B.035, 151B.055(10)

STATUTORY AUTHORITY: KRS 151B.035(1), 3(l), (m), (o)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035(1) and (3)(l), (m), and (o) requires the Executive Director of the Office of Career and Technical Education to promulgate administrative regulations for full-time and part-time certified and equivalent staff governing demotion, dismissal, suspension, and other disciplinary measures. This administrative regulation establishes office behavior standards and procedures for dismissal, demotion, and suspension of employees.

Section 1. General Provisions. Except as otherwise provided in this administrative regulation, the tenure of an employee in the certified and equivalent personnel system shall be during good behavior and the satisfactory performance of the employee's duties. (1) The appointing authority or designee may, as appropriate, discipline an employee for failure to comply with the behavior standards established in this administrative regulation or for the unsatisfactory performance of duties.

(2) Lack of good behavior or the unsatisfactory performance of duties shall include the following:

(a) Insubordination, including:

1. Violation of a statute or administrative regulation established for the operation of schools or the central office of the Office of Career and Technical Education; or
2. Refusal to recognize or obey the school principal or other supervisory personnel with the office in the performance of duties:

(b) Immoral character or unbecoming conduct; or

(c) Inefficiency, incompetency, or neglect of duty, after a written statement identifying the problems or difficulties has been furnished to the individual involved including:

1. Chronic absenteeism or excessive tardiness;
2. Inability to control students or exert appropriate supervision of subordinates;
3. Inappropriate discipline of students or treatment of subordinates and peers;
4. Poor teaching or supervisory habits; or
5. Lack of completion of records and required reports.

Section 2. Dismissals. (1) After an employee is notified of the intent to dismiss, copies of the notice of intent to dismiss and the notice of dismissal or other penalization shall be forwarded to the Executive Director of the Office of Career and Technical Education on the same date notice is delivered to the employee.

(2) Probationary and limited-status employees shall not have appeal rights except as provided in KRS 151B.055(10).

Section 3. Demotion. Upon employee notification, copies of the notice of demotion shall be forwarded to the Executive Director of the Office of Career and Technical Education on the same date the notice is delivered to the employee.

Section 4. Suspension. Upon employee notification, copies of the notice of suspension shall be forwarded to the Executive Director of the Office of Career and Technical Education on the same date the notice is delivered to the employee. (17 Ky.R. 745; eff. 10-14-1990; 35 Ky.R. 1869; 2236; eff. 5-1-2009.)